

DETAILED ACTION

REPEATED REJECTIONS

1. The 35 U.S.C. 102(b) rejection of Claims 1- 3, 5 and 7 - 11 as being anticipated by Birchall et al (U.K. Patent No. 2010287), of record on page 2 of the previous Action, is repeated.
2. The 35 U.S.C. 103(a) rejection of Claims 4, 6 and 49 as being unpatentable over Birchall et al (U.K. Patent No. 2010287), of record on page 2 of the previous Action, is repeated.
3. The 35 U.S.C. 103(a) rejection of Claim 12 as being unpatentable over Birchall et al (U.K. Patent No. 2010287) in view of Zaima et al (European Patent 0885937), of record on page 2 of the previous Action, is repeated.

ANSWERS TO APPLICANT'S ARGUMENTS

4. Applicant's arguments regarding the 35 U.S.C. 102(b) rejection of Claims 1 – 3, 5 and 7 – 11 as being anticipated by Birchall et al (U.K. Patent No. 2010287), 35 U.S.C. 103(a) rejection of Claims 4, 6 and 49 as being unpatentable over Birchall et al (U.K. Patent No. 2010287) and 35 U.S.C. 103(a) rejection of Claim 12 as being unpatentable over Birchall et al (U.K. Patent No. 2010287) in view of Zaima et al (European Patent 0885937), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 11 of the remarks dated December 21, 2007, that the example of Birchall et al does not disclose the claimed oxidized compound until after mixing with rubber.

However, Birchall et al does not state that it is limited to the example.

Applicant also argues, on page 12, that the R group disclosed in the example of Birchall et al is not a non – polarized group.

However, as stated above, Birchall et al does not state that it is limited to the example; furthermore, as stated on page 3 of the previous Action, methyl is also disclosed as an R group.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marc A Patterson/
Primary Examiner, Art Unit 1794